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NOTICE OF ALLOWANCE AND FEE(S) DUE

23973 7590 04/30/2009

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

FAULK, DEVONA E

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 04/30/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,745

09/22/2006

Yuji Sakamoto

46970-5275

3016

TITLE OF INVENTION: AUDIO OUTPUT APPARATUS, AUDIO SIGNAL OUTPUT ADJUSTING METHOD, AUDIO SIGNAL OUTPUT ADJUSTING PROCESS PROGRAM, AND THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/30/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,745 09/22/2006 Yuji Sakamoto 46970-5275 3016

TITLE OF INVENTION: AUDIO OUTPUT APPARATUS, AUDIO SIGNAL OUTPUT ADJUSTING METHOD, AUDIO SIGNAL OUTPUT ADJUSTING PROCESS PROGRAM, AND THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$300 \$0 \$1810 07/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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FAULK, DEVONA E 2614 381-300000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

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Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/593,745	09/22/2006	Yuji Sakamoto	46970-5275	3016

23973 7590 04/30/2009

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 317 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 317 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/593,745

Applicant(s)

SAKAMOTO ET AL.

Examiner

DEVONA E. FAULK

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/10/08.
2. ☒ The allowed claim(s) is/are 1,2,4-6 and 8-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/10/08 have been fully considered but they are not persuasive. The applicant agreed to an examiner's amendment to place the claims in allowable form.
2. Claims 3 and 7 are cancelled.
3. The examiner notes, that 381/27 was also searched but because of an issue with OACS not loading the identification information on the issue classification sheet, the OACS helpdesk person had to go in and rename the folder on the server and I was told I could not go back in and edit search notes or index of claims. It is in the search history.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul A. Fournier (Reg. No. 41,023) on 4/24/09.

The claims are to be amended as follows:

Claim 1 is to be amended to recite:

An audio output apparatus having:

at least one first speaker changeably installed in a predetermined position and

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outputting an audio signal; and

a plurality of second speakers fixedly installed in positions different from the position of the first speaker and different from each other, and outputting audio signals,

the apparatus generating a sound field according to position relations among the install position of the first speaker and the install positions of the plurality of second speakers when the

position of the user is used as a reference, wherein the apparatus comprises:

a plurality of audio signal detecting devices provided in or near the install positions of the second speakers which detect audio signals output from the first speaker;

a speaker position calculating device which obtains the audio signals detected by the audio signal detecting device, detecting that the install position of the first speaker has been changed on the basis of the obtained audio signals, and calculating the changed install position; and

an audio signal output adjusting device, on the basis of the changed install position of the first speaker and the install positions of the plurality of second speakers, that changes allocation of output of the audio signals to the plurality of second speakers, and adjusts output of the audio signal from at least one of the first speaker whose install position has been changed and

the plurality of second speakers so that a sound field according to the position relations before the install position of the first speaker was changed is maintained **and wherein said first speaker is a center speaker.**

Claim 5 is to be amended as follows:

An audio signal output adjusting apparatus having:

at least one first speaker changeably installed in a predetermined position and outputting an audio signal;

a plurality of second speakers fixedly installed in positions different from the position of the first speaker and different from each other, and outputting audio signals;

a plurality of audio signal detecting devices provided in or near the install positions of the second speakers which detects audio signals output from the first speaker; and

a speaker position calculating device which obtains the audio signals detected by the audio signal detecting device, detecting that the install position of the first speaker has been changed on the basis of the obtained audio signals, and calculating the changed install position,

wherein on the basis of the changed install position of the first speaker and the install positions of the plurality of second speakers, allocation of output of the audio signals to the plurality of second speakers is changed, and output of the audio signal from at least one of the first speaker whose install position has been changed and the plurality of second speakers is adjusted so that a sound field according to the position relations among the install position of the first speaker before the change and the install positions of the plurality of second speakers when the position of the user is used as a reference is maintained **and wherein said first speaker is a center speaker.**

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Claim 6 is to be amended to recite:

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An audio signal output adjusting method performed by an audio output apparatus having:

at least one first speaker changeably installed in a predetermined position and outputting an audio signal;

a plurality of second speakers fixedly installed in positions different from the position of the first speaker and different from each other, and outputting audio signals; and

a plurality of audio signal detecting device provided in or near the install positions of the second speakers and detecting the audio signals output from the first speaker,

the method comprising:

a process of obtaining the audio signals detected by the audio signal detecting device, detecting that the install position of the first speaker has been changed on the basis of the obtained audio signals, and calculating the changed install position; and

a process of, on the basis of the changed install position of the first speaker and the install positions of the plurality of second speakers, changing allocation of output of the audio signals to the plurality of second speakers, and adjusting output of the audio signal from at least one of the first speaker whose install position has been changed and the plurality of second speakers so that a sound field according to the position relations among the install position of the first speaker before the change and the install positions of the plurality of second speakers when the position of the user is used as a reference is maintained **and wherein said first speaker is a center speaker.**

Claim 8 is to be amended as follows:

A computer-readable recording medium encoded with an audio signal output adjusting process computer program ~~according to claim 7 is computer readably recorded~~ which when executed by a computer performs a series of steps comprising: on the basis of a changed install position of a first speaker and install positions of a plurality of second speakers, changing an allocation of output of audio signals to the plurality of second speakers, and adjusting an output of an audio signal from at least one of the first speaker, whose install position has been changed, and the plurality of second speakers so that a sound field according to the position relations among the install position of the first speaker before the change and the install positions of the plurality of second speakers when the position of the user is used as a reference is maintained, **wherein said first speaker is a center speaker.**

5. Claims 1,2,4-6,8-16 are allowed.

6. The following is an examiner's statement of reasons for allowance: Regarding claims 1,5,6 and 8.prior art Maeda discloses an audio output apparatus (Figures 1 and 2) having: at least one first speaker changeably installed in a predetermined position and outputting an audio signal (22a, Figure 1, I[0022 under Detailed Description); and a plurality of second speakers fixedly installed in positions different from the position of the first speaker and different from each other, and outputting audio signals (22b-22e,

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Figure 1, ¶ 0022 under Detailed Description), the apparatus generating a sound field according to position relations among the install position of the first speaker and the install positions of the plurality of second speakers when the position of the user is used as a reference (Figure 1 ; ¶ 0017, ¶ 0018 under Detailed Description), wherein the apparatus comprises: a plurality of audio signal detecting devices provided in or near the install positions of the second speakers which detect audio signals output from the first speaker(microphones 34-36; ¶ 0025 under Detailed Description); a speaker position calculating device which obtains the audio signals detected by the audio signal detecting device, detecting that the install position of the first speaker has been changed on the basis of the obtained audio signals, and calculating the changed install position (direction determining circuit, 48, Figure 2; Figure 2 is the internal configuration of the remote control 33 of Figure 1 ; ¶ 0028, ¶ 0029 under Detailed Description); and an audio signal output adjusting means device., on the basis of the position of the first speaker and the install positions of the plurality of second speakers, that changes allocation of output of the audio signals to the plurality of second speakers, and adjusts output of the audio signal from at least one of the first speaker and the plurality of second speakers (channel selection circuit 31; Figure 1;. 0028, 0029 under Detailed Description). Egatani discloses a surround system.

Regarding claims 1,5,6 and 8, the prior art or combination thereof fails to disclose or make obvious based on the changed install position of the first speaker, changing allocation of output of the audio signals to the plurality of second speakers, so that a

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sound field according to the position relations before the install position of the first speaker was changed is maintained, wherein said first speaker is a center speaker.

Claims 2,4,6,9-16 are allowed due to dependency on claims 1,5,6 and 8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVONA E. FAULK whose telephone number is (571)272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devona E. Faulk/
Examiner, Art Unit 2614